
BUSINESS AND LABOR INTERIM COMMITTEE

2010 INTERIM

A. ITEMS FROM THE MASTER STUDY RESOLUTION

1. Alcohol Licensing - to study alcohol licensing by the Department of Alcoholic Beverage Control.
2. Alcohol Storage - to study the refrigerated storage of heavy beers.
3. Alcoholic Beverage Control Act and Restaurant Licenses - to study restaurant related licenses issued by the Alcoholic Beverage Control Commission (H.B. 223).
4. Annuities - to study issues related to annuity regulation.
5. Armed Guard Licensure - to study whether armed guard licensure should be moved from the Division of Occupational and Professional Licensing to the Bureau of Criminal Identification.
6. Commodities - to study commodity money issues.
7. Common Interest Ownership - to study the repealing and enacting of laws related to common interest ownership (H.B. 399).
8. Construction Licenses - to study potential amendments to construction license laws.
9. Construction Registry and Liens - to study issues related to the Utah Mechanics' Lien law, the lien recovery fund, and the state construction registry.
10. Continuing Education Requirements - to study the number of hours of continuing education needed to retain a trade license.
11. Contractor Database - to study issues related to the independent contractor database.
12. Contractor Licensing - to study issues related to independent contractor licensing.
13. Credit Scores and Auto Insurance Rates - to study the use of credit scores in determining auto insurance rates.

14. Disclosure of Methamphetamine Contaminated Property - to study whether to require an owner or lessor who obtains information that would lead a reasonable person to believe that property is or may be contaminated from methamphetamines to exercise reasonable diligence to determine whether the property is contaminated to require the owner or lessor to report the contamination (H.B. 190).
15. Gender Rating in the Individual Insurance Market - to study whether removing the gender rating raises premiums in the individual insurance market, what the gender gap premiums look like in Utah, and the results and lessons to be learned from states that have disallowed gender rating.
16. Handyman Code - to study needed revisions to the state's current handyman code.
17. Holding Construction Funds in Trust - to study whether to require contractors and subcontractors to hold construction funds in trust (H.B. 272).
18. Impact of Misclassifying Workers as Independent Contractors - to study the misclassification of workers as independent contractors rather than employees to determine the prevalence of the practice in Utah and the impact on the state of: (a) workers being denied the protections and benefits of employee status, like workers' compensation insurance coverage; (b) employers failing to make Social Security, Medicare, and unemployment insurance payments and ignoring labor standards like paying overtime, minimum wages, or other employee benefits; and (c) law-abiding businesses who properly classify workers as employees yet have higher costs, being subjected to unfair competition from businesses who achieve low costs by intentionally misclassifying their workers.
19. Insurance Code - to study the organization and terminology of the state's Insurance Code.
20. Laws Governing Building Contractors - to study and address the need for stronger laws governing building contractors, the over-use of B-100 general contractor licenses in lieu of qualified specialty trade licenses, and the increase in companies classifying their workers as "independent contractors" or using other methods to avoid paying fair wages, workers' compensation insurance, and payroll taxes.
21. Limited Liability Companies - to study LLC's under the Uniform Law format.
22. Mechanical Contractors - to study potential modifications to mechanical contractor licensing laws.
23. Mechanics' Lien Laws - to study mechanics lien laws to determine whether charges are necessary to protect homeowners from liens even though the general contractor is paid in full.

24. Merging Business Entities - to study consistency in the process of merging various business entities.
25. Professional Engineer Continuing Education - to study whether licensed professional engineers are keeping up with continuing education units and practicing with a license.
26. Protecting Identity of Children - to study how to provide a mechanism for freezing the credit information of a child (H.B. 387).
27. Real Property Sales Information - to study whether a buyer in a real property sale should have to provide information relating to the sale to the Multicounty Appraisal Trust (H.B. 61 and H.J.R. 7).
28. Seismic Requirements - to study seismic requirements for condominium conversion projects.
29. Special Event Alcohol Sales - to study whether to extend the hours for alcohol sales for special events.
30. Workers' Compensation Death Benefits - to study and review workers' compensation death benefits for a surviving spouse, with an analysis of dependency.
31. Health Care Mandates Versus Free Market Solutions - to study government mandates on modified community ratings, coverage, and licensing, and free market alternatives.
32. Health Underwriting - to study health underwriting by health benefit plans and expanding the ability to exclude certain conditions from coverage.

B. SUNSET REVIEWS AND REQUIRED REPORTS

SUNSET REVIEWS	CITATION	REPEAL DATE
Catastrophic coverage of mental health conditions	§ 31A-22-625	July 1, 2011
Assessment on title insurance agencies or title insurers	§31A-23a-415	December 31, 2011
Utah Uniform Securities Act	Title 61, Chapter 1	July 1, 2011

REPORTS TO THE COMMITTEE	AUTHORITY	DUE DATE
Insurance Commissioner: Title insurance complaints report	§ 31A-2-404(4)	Annually
Governor's Office of Economic Development: Measured performance of economic development programs offered by or through established business resource centers	§ 63M-1-2704	Before November 1st of each year
Division of Real Estate: Issues regarding the implementation of the Nationwide Mortgage Licensing System and Registry	§ 61-2c-103	Annually
Utah Fire Prevention Board	§ 53-7-106	<ul style="list-style-type: none"> • Annually • When the board adopts a state fire code provision that has not received legislative approval
Uniform Building Code Commission Division of Occupational and Professional Licensing	§ 58-56-4	<ul style="list-style-type: none"> • Annually • When the commission adopts a state construction code provision that has not received legislative approval
Reports Related to Labor and Workers' Compensation		
Department of Insurance: Workers' compensation insurance report	§ 31A-22-1013	No later than the October meeting
Rocky Mountain Center for Occupational and Environmental Health Advisory Board: Annual report with recommendations	§ 53B-17-804	No later than July 1st of each year
Independent Contractor Enforcement Council, et al: Database effectiveness report	§ 13-46-202	November 30, 2010

REPORTS TO THE COMMITTEE	AUTHORITY	DUE DATE
Labor Commission: Certain issues related to the effect of the <i>Merrill</i> decision on the Employer's Reinsurance Fund	Uncodified § 2, H.B. 188 (2010 G.S.)	No later than the November 2010 interim meeting
Reports Related to Health Reform		
Health Reform Task Force	Uncodified § 49, H.B. 294 (2010 G.S.)	November 30, 2010
Office of Consumer Health Services, Governor's Office of Economic Development and Insurance Commissioner: Progress towards coordination of broad based health care system payment and delivery reform	§ 31A-22-614.6	Report to the Health Reform Task Force by October 2010 and every October thereafter to the Business and Labor Interim Committee
Implementation of federal health care reform	§ 63M-1-250.5	As required
Office of Consumer Health Services, Governor's Office of Economic Development: <ul style="list-style-type: none"> • Health Insurance Exchange • Demonstration projects for health care payment and delivery reform 	§ 63M-1-2504	November 1, 2010
HEALTH INSURANCE MANDATE REVIEWS	AUTHORITY	FREQUENCY
The Business and Labor Interim Committee and the Health and Human Services Interim Committee shall identify certain health insurance mandates identified by the Insurance Department; each committee may elect to review certain health insurance mandates and recommend to continue, modify, or repeal the mandate	§ 36-12-5(2)	Annually